

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF ALABAMA**

**SUSAN S. DEPAOLA, Chapter 7 Trustee  
for the Bankruptcy Estate of Philip L.  
Goodwyn, and SIMPLE PLEASURES,  
INC.,**

**Plaintiffs,**

**v.**

**V RESTAURANTS, INC., an Alabama  
corporation, and VINCE SAELE, an  
individual,**

**Defendants.**

**Case Number: 06-00893-WKW-SRW**

**Bankruptcy Case No. 05-32325 –  
Chapter 7, Bankruptcy Adv. Pro. No.  
05-03062-WRS**

**PLAINTIFF'S PRETRIAL DISCLOSURES  
PURSUANT TO FED. R. CIV. P. 26 (A) (3)**

COMES NOW the Plaintiff, Susan S. DePaola, by and through counsel, in accordance with the court's scheduling order, October 5, 2006, and submits the following witnesses whose testimony is expected to be presented by means of deposition:

Edgar H Fatzinger, III, 2870 Zelda Road, Montgomery, AL 36106

Deposition of Edgar H Fatzinger, III, May 23, 2005 Extracts, pages 26 (lines 1 – 23), 28 (lines 19 – 21 ), 36 (lines 2 – 22), page 39 (lines 3 – 20), 43 (lines 2 – 10), 45 (lines 1 – 23), 46 (lines 1 – 23), 47 (lines 1 – 20), 49 (lines 1 – 18), 50 (lines 1 – 23), 51 (lines 1 – 23), 52 (lines 1 – 23), 53 (lines 1 – 23), 54 (lines 1 – 23 ), 55 (lines 1 – 23), 56 (lines 1 – 23), 57 (lines 1 – 23), 58 (lines 1 – 23), 59 (lines 1 – 23), 60 (lines 1 – 23), 61 (lines 1 – 23), 62 (lines 1 – 23), 63 (lines 1 – 23), 64 (lines 1 – 9), 65 (lines 15 – 20), 69 (lines 16

– 23), 70 (lines 1 – 13), 71 (lines 5 – 23), 72 (lines 1 – 23), 73 (lines 1 – 10), 74 (lines 3 – 23), 75 (lines 1 – 10)

Respectfully submitted on February 14, 2007.

Memory & Day

By: /S/ James L. Day  
James L. Day  
ASB-1256-A55J

Von G. Memory  
ASB-8137-071V

Attorneys for Plaintiff

OF COUNSEL:

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#### **CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a copy of the foregoing document on the following, by:

☒ placing same in the United States Mail, postage prepaid, and properly addressed

☒ E-mail

☐ facsimile

☐ hand delivery

☐ delivered in open court

on February 14, 2007.

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/S/James L. Day